

REMARKS

In accordance with the foregoing, claims 14, 20, 29, 30, 32 and 35 have been amended while claims 15, 28 and 31 have been cancelled without prejudice or disclaimer. A Petition for a three (3) month extension of time is being filed concurrently herewith. No new matter is being presented. Therefore, claims 14, 16-18, 20-27, 29, 30 and 32-42 are pending and reconsideration is respectfully requested.

Rejections in view of 35 USC 103(a):

In the Office Action, claims 14-18, 20, 22, 26, 28, 29, 31-35 and 40-42 were rejected under 35 USC 103(a) over Altmaier (US Patent No. 5,471,503) in view of Wakayama (US Patent No. 6,212,221). These rejections are overcome.

Briefly, regarding the rejection of claim 1, it is noted that claim 1 now recites a system comprising a master unit configured to detect a vacant channel among a plurality of transmission channels and to transmit a signal on the vacant channel. The master unit also defines a preamble having a predefined characteristic with system specific information indicating to a slave unit that a transmitted signal is a message originating from the master unit. The slave unit is configured to, when having detected the predefined characteristic, interrupt the scanning and test the message received via said channel for an address. Further, the slave unit is also configured to acknowledge receipt of a correctly addressed signal by transmitting a response signal to the master unit via the channel.

In rejecting this claim, the Examiner has correctly acknowledged that "Altmaier fails to specifically disclose detecting a vacant channel." However, the Examiner attempts to cure this defect of Altmaier by citing the reference to Wakayama. According to the Examiner, "Wakayama discloses a frequency hopping transmission system between master and slave units (column 2 lines 53-67, figs. 2, 6, 7, 8-11, 26), wherein the master unit detects a vacant (empty channel in a plurality of channels for use in transmitting to the

slave unit[s] (column 33 lines 36-48).” Here, the Examiner concludes that it would have been obvious to modify Altmaier with Wakayama “to allocate an available channel to be used in a packet transmission in order to reduce time for a receiver to scan within a particular frequency group as well [as] to prevent frequency interferences.”

Responsively, it is noted that while applicant appreciates the acknowledgement on the part of the Examiner that Altmaier fails to disclose detecting a vacant channel, applicant disagrees with the Examiner’s citation to Wakayama.

Applicant submits that Wakayama contains no disclosure of the claimed “master unit configured to detect a vacant channel.” Rather, applicant notes that Wakayama merely discloses referring to a “communication control table” (see column 33, lines 36-38). That is, while the claimed invention recites a detection of a vacant channel, the cited reference to Wakayama merely discloses looking up information on a communication control table. Since the disclosure of looking to the communication control table does not involve a detection operation, the Wakayama disclosure is patentably distinguished from the claimed detection of the vacant channel. Thus, applicant asserts that claim 14 is patentably distinguished from any combination of Altmaier and Wakayama.

In addition, applicant notes that the recitation of the master unit defining a preamble having a predefined characteristic with system specific information indicating to a slave unit that a transmitted signal is a message originating from the master unit is not disclosed in the cited references. In fact, the Examiner has not even put forth an allegation of such a disclosure in Altmaier or any other references.

Here, applicant further notes that the Examiner’s vague mention of Altmaier disclosing a “testing ... for a predefined characteristic,” is insufficient since such testing does not presuppose that a feature corresponding to the claimed master unit would have been responsible for defining the preamble with the predefined characteristic, as claimed, or that the predefined characteristic includes system specific information, as claimed.

Furthermore, as to the additional recitations of the slave unit detecting the claimed preamble, the checking of the address, the reception of the complete message on the channel, and the acknowledgement sent to the master unit, it is noted that Altmaier is

contrasted from the claimed invention in that Altmaier merely discloses a hopping technique during its corresponding receiving operation. It is further noted that the other references fail to cure this defect as well.

Therefore, applicant respectfully asserts that the rejection of claim 14 in view of the combination of the cited references is overcome.

Regarding the rejections of claims 20 and 35, it is noted that these claims recite similar features as claim 14 and that, therefore, the rejections of these claims are overcome for similar reasons as set forth above.

Regarding the rejections of claims 15-18, 22, 26, 28, 29, 31-34 and 40-42, it is noted that these claims are either cancelled or dependent upon base claims which are believed to be allowable as discussed above. Therefore, the rejections of these claims are either moot or overcome for at least the reasons set forth above.

Claims 21 and 36 were rejected under 35 USC 103(a) over Altmaier in view of Wakayama and further in view of Cooper (US Patent Appl. No. 2002/0123325). However, since claims 21 and 36 depend from claims 20 and 35, respectively, and since the additionally cited reference to Cooper does not cure the defects of the combinations of Altmaier and Wakayama, it is believed that claims 21 and 36 are patentably distinguished from the combinations of the cited references including Cooper and that, therefore, the rejections of these claims are overcome.

Claims 23-25, 38 and 39 were rejected under 35 USC 103(a) over Altmaier in view of Wakayama and further in view of Treister (US Patent Appl. No. 2002/0116460). However, since claims 23-25, 38 and 39 depend from claims 20 and 35, respectively, and since the additionally cited reference to Treister does not cure the defects of the combinations of Altmaier and Wakayama, it is believed that claims 23-25, 38 and 39 are patentably distinguished from the combinations of the cited references including Treister and that, therefore, the rejections of these claims are overcome.

Claims 27 and 37 were rejected under 35 USC 103(a) over Altmaier in view of Wakayama and further in view of Gan (US Patent No. 7,027,418). However, since claims 27 and 37 depend from claims 20 and 35, respectively, and since the additionally cited

reference to Gan does not cure the defects of the combinations of Altmaier and Wakayama, it is believed that claims 27 and 37 are patentably distinguished from the combinations of the cited references including Gan and that, therefore, the rejections of these claims are overcome.

Allowed claim 30:

Applicants acknowledge with appreciation that claim 30 has been found to contain allowable subject matter.

Conclusion:

In view of the foregoing, all of the outstanding objections and rejections are believed to have been addressed and answered. It is therefore believed that the application is in condition for allowance and an action to that effect is respectfully requested. As noted above, applicant hereby petitions for any necessary extension of time required under 37 C.F.R. §§1.136(a) or 1.136(b) which may be required for entry and consideration of the present Response. If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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